

James P. Watson (SBN 046127)
Bruce K. Leigh (SBN 129753)
STANTON, KAY & WATSON, LLP
101 New Montgomery Street, Fifth Floor
San Francisco, CA 94105-3612
Telephone: 925-385-0354
Facsimile: 866-232-5759
e-mail: brucel@skwsf.com & leigh.bruce@comcast.net

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEN WALTERS and JOHN BONILLA, in
their respective capacities as Trustees of the
OPERATING ENGINEERS HEALTH AND
WELFARE TRUST FUND, PENSION FUND
FOR OPERATING ENGINEERS,
PENSIONED OPERATING ENGINEERS
HEALTH AND WELFARE FUND,
OPERATING ENGINEERS VACATION
AND HOLIDAY TRUST FUND,
NORTHERN CALIFORNIA
PREAPPRENTICE, APPRENTICE AND
JOURNEYMAN AFFIRMATIVE ACTION
TRAINING FUND, OPERATING
ENGINEERS CONTRACT
ADMINISTRATION FUND FOR
NORTHERN CALIFORNIA, OPERATING
ENGINEERS INDUSTRY STABILIZATION
TRUST FUND AND OPERATING
ENGINEERS MARKET PRESERVATION
TRUST FUND,

Plaintiffs,

v.

STATEWIDE CONCRETE BARRIER, INC.,
a California corporation; and CHARLES
WELLS, an Individual,

Defendants.

Case No.: C-04-2559 JSW (MEJ)

CASE STATUS REPORT AND ORDER THEREON

Judge: Jeffrey S. White

Plaintiffs submit the following case status report in response to the court's order of February 27, 2007, in the above-entitled action.

1. On August 31, 2006, on plaintiffs' request the Court vacated the hearing on plaintiffs' motion for summary judgment and, granting an order compelling defendants to submit to an audit, reserved the jurisdiction of the court to entertain after such audit a new motion for amended pleadings.

2. The court's somewhat open-ended order was based on the fact that, since service of the initial pleadings in this case, defendants have disappeared.

3. Unfortunately, that situation remains the case. Despite several attempts to locate the individual defendant and sole officer of the defendant corporation at various addresses where he has had a real property interest or business address, and after retaining the services of a private investigator, plaintiffs still have been unable to locate defendants. Thus, plaintiffs have been unable to serve the order compelling an audit and obtain any such audit of defendants.

4. Nevertheless, the individual defendant appears to still have interests in real property or in trusts holding real property in Northern California. Therefore, plaintiffs do not want to abandon their action herein against defendants. Plaintiffs propose to revive their previous motion for default judgment, supporting the motion with supplementary declarations showing and explaining the basis of plaintiffs' claim for a money judgment, the period from which defendants' obligations arose, proof of the amount of the obligation and calculation of contributions owed, liquidated damages, and interest, as well as the claim for costs and attorney's fees. Plaintiffs request the Court's leave to make such motion.

By _____
 Bruce K. Leigh
 Attorneys for Plaintiffs

IT IS SO ORDERED: Plaintiffs shall have until March 26, 2007, to re-file their motion for default judgment with supplementary pleadings on damages.

DATED: March 9, 2007

Hon. Jeffrey S. White
United States District Judge